

**ZB# 85-47**

**Moodna Development Co.**

**78-2-18**

#85-47 - Moodna Development Co., Inc. / Schoonmaker Homes

Prelim.

12/9/85

Public Hearing:

1/13/86

Notice to Sentinel

on 12/11/85 ✓

Cura variance

Granted on

1/13/86

# General Receipt

7150

TOWN OF NEW WINDSOR

555 Union Avenue

New Windsor, N. Y. 12550

Dec. 11, 1925

Received of Windsor Development Co., Inc. \$ 25.00

Twenty five and 00/100 DOLLARS

For Windsor (S. 103) (93-47)

DISTRIBUTION

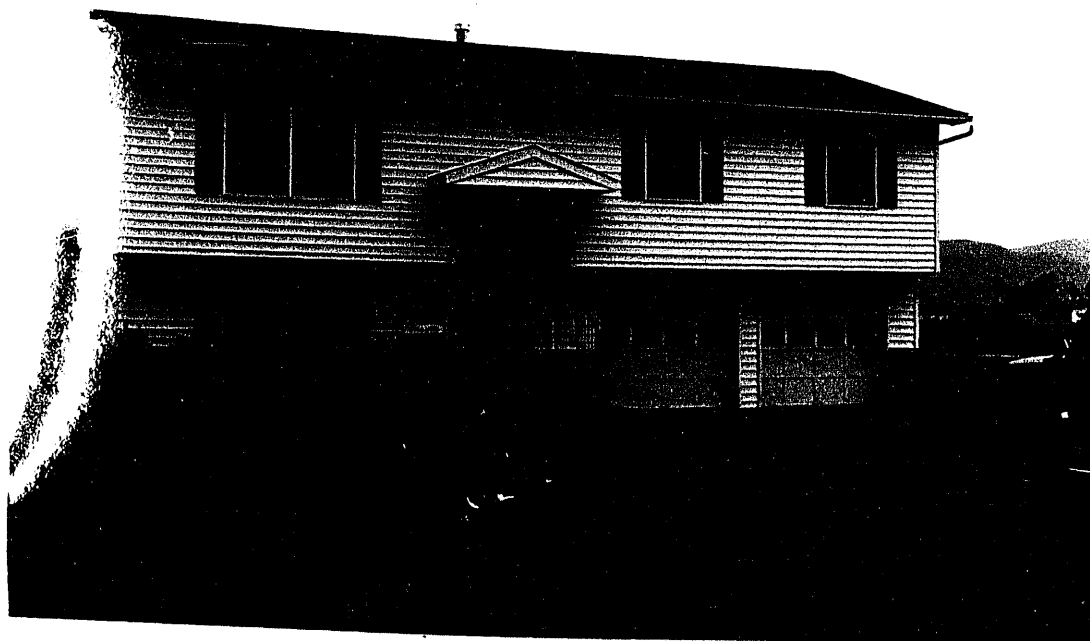
FUND	CODE	AMOUNT
<u>Chas. H. 1119</u>		<u>25.00</u>

By Burton H. Bowman SH

Town Clerk

Title

Revised March, 1924. New Windsor, N. Y. 12550.

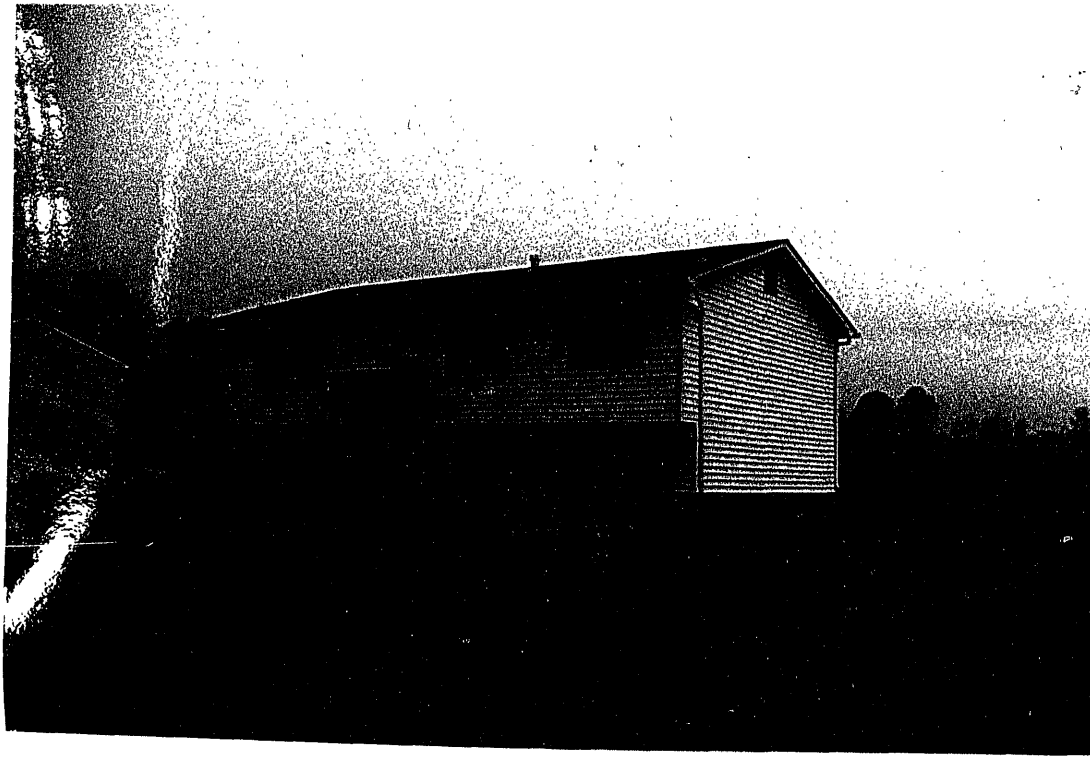
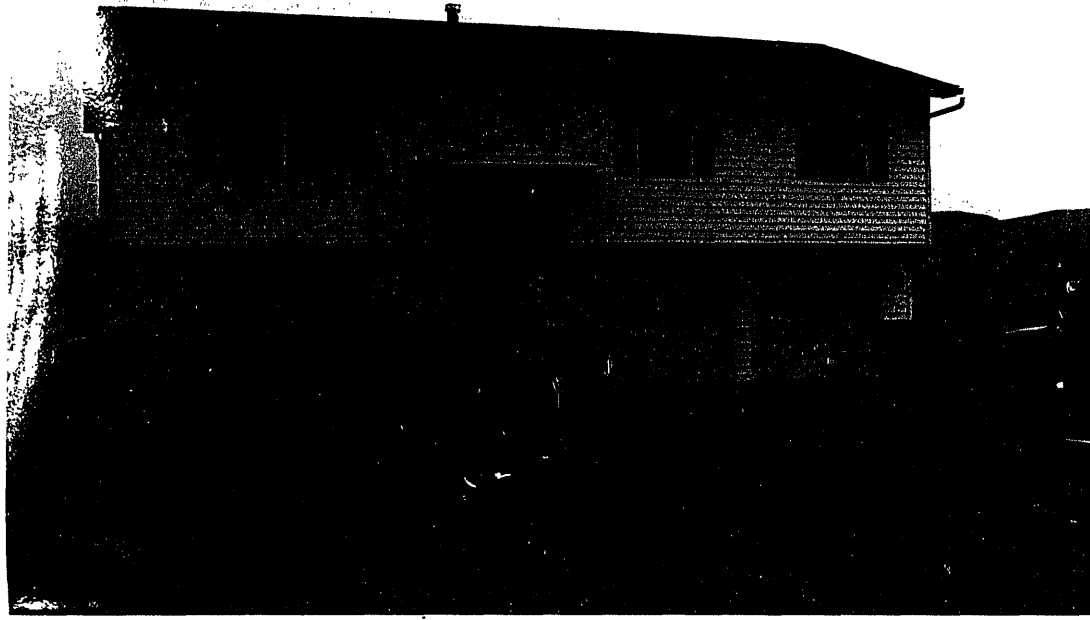


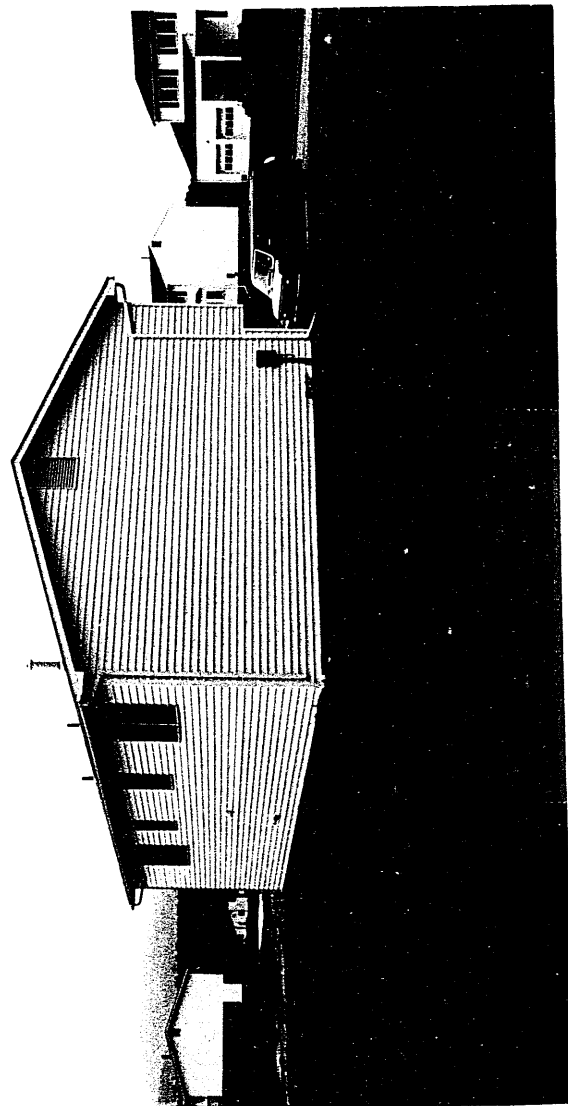
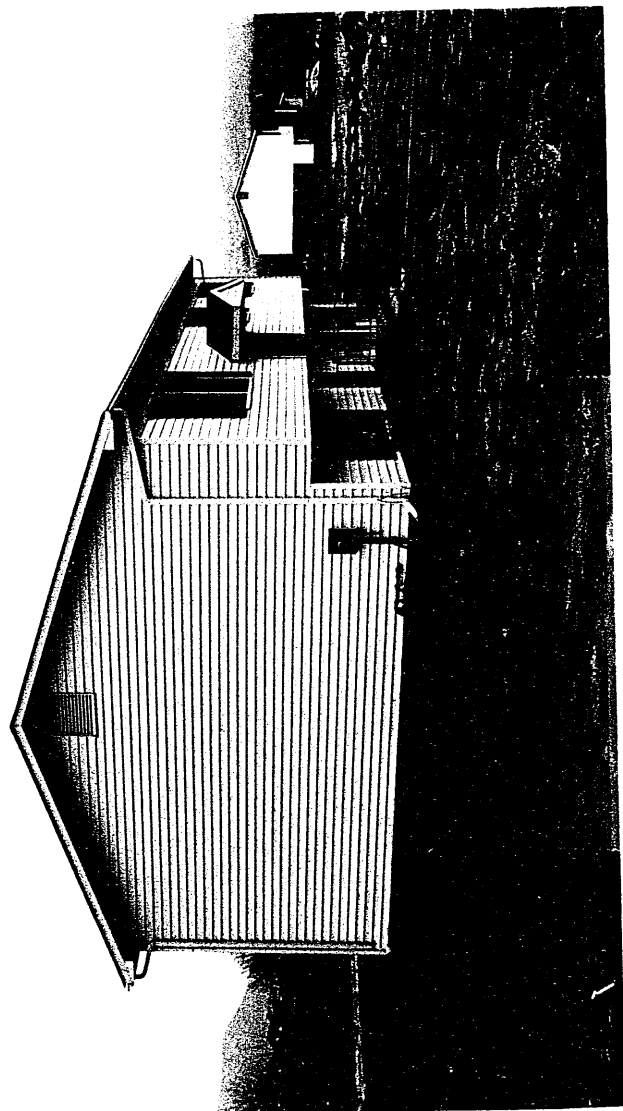
DISTRIBUTION		
FUND	CODE	AMOUNT
Check # 11667		25.00

Williamson Law Book Co., Rochester, N. Y. 14609

By Pauline B. Townsend DA

Town Clerk  
Title





NEW WINDSOR ZONING BOARD OF APPEALS

-----X  
In the Matter of the Application of  
MOODNA DEVELOPMENT COMPANY, INC.

DECISION GRANTING  
AREA VARIANCE

#85-47.  
-----X

WHEREAS, MOODNA DEVELOPMENT COMPANY, INC., (owner) a corporation having an office in New Windsor, N. Y., by its Vice President, Leigh K. Lydecker, Jr., has made application before the Zoning Board of Appeals for an area variance for the purpose of:

Construction of a residential dwelling with insufficient rear yard located on Creamery Drive, New Windsor, N. Y.; in an R-4 zone.

WHEREAS, a public hearing was held on the 13th day of January, 1986 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Mr. Lydecker appeared in behalf of the Applicant the Corporation; and

WHEREAS, the application was opposed by adjacent residents; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant proposes to construct a one-family residential dwelling in an R-4 zone.

3. The evidence presented by the applicant shows that the proposed building lot located on Creamery Drive is 12,512 sq. ft.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the area variances requested are not granted since applicant cannot obtain additional land within which to construct the dwelling.

2. The requested variances will not result in substantial detriment to adjoining properties or change the character of the neighborhood since it is residential in nature.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT: (1) 9 ft. rear yard variance in accordance with plans submitted at public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: January 27, 1986.

  
Chairman

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

# 85-47

Date: 12/1/85

I. ✓ Applicant Information:

- (a) Moodna Development Co., Inc., New Windsor, New York 561-3552  
(Name, address and phone of Applicant) (Owner)
- (b) Schoonmaker Homes, Maybrook, New York 427-5511  
(Name, address and phone of purchaser or lessee)
- (c) Philip A. Crotty, Esq., New Windsor, New York 562-6500  
(Name, address and phone of attorney)
- (d) N/A  
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Special Permit

III. ✓ Property Information:

- (a) \*R-4 52 Creamery Drive 78-2-18 12, 512 S.F.  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? \*All R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? May 1985
- (e) Has property been subdivided previously? yes When? 1978
- (f) Has property been subject of variance or special permit previously? no When? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? N/A
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_

\*Cluster subdivision (Section 280(a), Town Law) Approved 1977



- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

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V. ✓ Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk Regs., Col. (see note) 8.

\*Note: Cluster subdivision (Sec. 280(a), Town Law)

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>12,500 s.f.</u>	<u>12,512 s.f.</u>	<u>0</u>
Min. Lot Width <u>80 ft.</u>	<u>111 ft.</u>	<u>0</u>
Reqd. Front Yd. <u>40 ft.</u>	<u>40 ft.</u>	<u>0</u>
Reqd. Side Yd. <u>12 / 24</u>	<u>12 / 48</u>	<u>0 / 0</u>
Reqd. Rear Yd. <u>40</u>	<u>31</u>	<u>9'</u>
Reqd. Street Frontage* <u>80'</u>	<u>118.40</u>	<u>0</u>
Max. Bldg. Hgt. <u>35'</u>	<u>20'</u>	<u>0</u>
Min. Floor Area* <u>1,000</u>	<u>1144</u>	<u>0</u>
Dev. Coverage* <u>30 %</u>	<u>9 %</u>	<u>0 %</u>
Floor Area Ratio**		

\* Residential Districts only

\*\* Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

Shape of lot precludes standard house construction, due to rear yard requirement. House shape would have to be unusual to meet requirements. Lot has not changed in shape since subdivision approval in 1977. Applicant will encounter practical difficulty if requested variance is not granted.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

- (b) Describe in detail the use and structures proposed for the special permit.

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VIII. ✓ Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Surrounding lots are not affected, due to shape of Block in which lot lies (all rear yards); distance to nearest house exceeds 80' (twice rear yard requirement).

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IX. ✓ Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ N/A Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 11 DECEMBER 1985

STATE OF NEW YORK )  
COUNTY OF ORANGE ) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

*Leigh K. Lydencher*  
(Applicant)

Sworn to before me this

12th day of December, 1985.

*James M. Gnall*  
JAMES M. GNALL  
Notary Public, State of New York  
No. 4765938  
Qualified in Dutchess County  
Term Expires March 30, 1986

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_.
- (b) Variance is \_\_\_\_\_.
- Special Permit is \_\_\_\_\_.
- (c) Conditions and safeguards: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY  
RESOLUTION OF ZONING BOARD OF APPEALS.



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

December 11, 1985

1763 Re: 78-2-18

Dear Mr. Lydecker:

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$55.00. Please remit the same of the Town Clerk, Town of New Windsor.

Very truly yours,

A handwritten signature in cursive script, reading "Christian E. Jahrling".

CHRISTIAN E. JAHRLING, IAO  
SOLE ASSESSOR  
Town of New Windsor



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

Walsh James N  
& Susan  
7 Buttermilk Dr  
New Windsor NY 12550

Helsey Ray H  
& Marie J  
5 Buttermilk Dr  
New Windsor NY 12550

Huggins Thomas G  
& Janet S  
3 Buttermilk Dr  
New Windsor NY 12550

Griffen Patrick M  
PO Box 4006  
New Windsor NY 12550

Macri Frank G  
& Barbara A  
14 Buttermilk Dr  
New Windsor NY 12550

Flanagan James J  
& Ena Patricia  
16 Buttermilk Dr  
New Windsor NY 12550

Semer Albert W Jr  
& Sharon M  
18 Buttermilk Dr  
New Windsor NY 12550

De Palma Michael S  
& Dorothy A  
20 Buttermilk Dr  
New Windsor NY 12550

Corio Frank  
& Linda  
22 Buttermilk Dr  
New Windsor NY 12550

Maer Jay  
& Donna  
3 Creamery La  
New Windsor NY 12550

Duffy Kevin R  
& Gloria S  
5 Creamery La  
New Windsor NY 12550

Kinol Ramon G  
& Patricia A  
7 Creamery La  
New Windsor NY 12550

Bevins Renay L  
9 Creamery La  
New Windsor NY 12550

Romano Richard  
& Josephine  
11 Creamery La  
New Windsor NY 12550

Moodna Development Co Inc  
33 Sweet Briar Rd  
Stamford Conn 06905

Lochner David R  
& Catherine  
24 Buttermilk Dr  
New Windsor NY 12550

Johnson Erminette  
26 Buttermilk Dr  
New Windsor NY 12550

Classey Thomas  
& Carol F  
34 Creamery La  
New Windsor NY 12550



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

Straub Thomas  
& Agnes  
36 Creamery Dr  
New Windsor NY 12550

Graff Charles  
& Lisa M  
38 Creamery Dr  
New Windsor NY 12550

Villanueva Francisco C  
& Edna  
40 Creamery Dr  
New Windsor NY 12550

Schoonmaker Homes  
John Steinberg Inc  
1 Holiday Pk Rd  
Newburgh NY 12550

Brown Osmond  
& Chisholm Mary J  
44 Creamery Dr  
New Windsor NY 12550

De Celestino Joseph R  
& JoAnne  
14 Creamery La  
New Windsor NY 12550

Harrison Robert  
& Beatrice  
12 Creamery La  
New Windsor NY 12550

Vecchio Anthony  
Virginia A & Anthony J Jr  
10 Creamery La  
New Windsor NY 12550

Moccio Michael A  
& Bonnie D  
PO Box 4216  
New Windsor NY 12550

Ramachandran Ambady  
& Santha  
6 Creamery La  
New Windsor NY 12550

Giannotti Michael T  
& Susanne  
4 Creamery La  
New Windsor NY 12550

Tagliaferro Louis  
& Lina  
46 Creamery Dr  
New Windsor NY 12550

Di Giugno Andrew  
& Susan  
55 Creamery Dr  
New Windsor NY 12550

North American Homes  
33 Sweet Briar Rd  
Stanford Conn 06925

Edgemont Industries Inc  
39 Pitcairn Dr  
Roseland NJ 07065

Duzink Steffen  
& Lynn  
61 Creamery Dr  
New Windsor NY 12550

Taquis Syed M  
& Bilquis  
65 Creamery Dr  
New Windsor NY 12550



1763

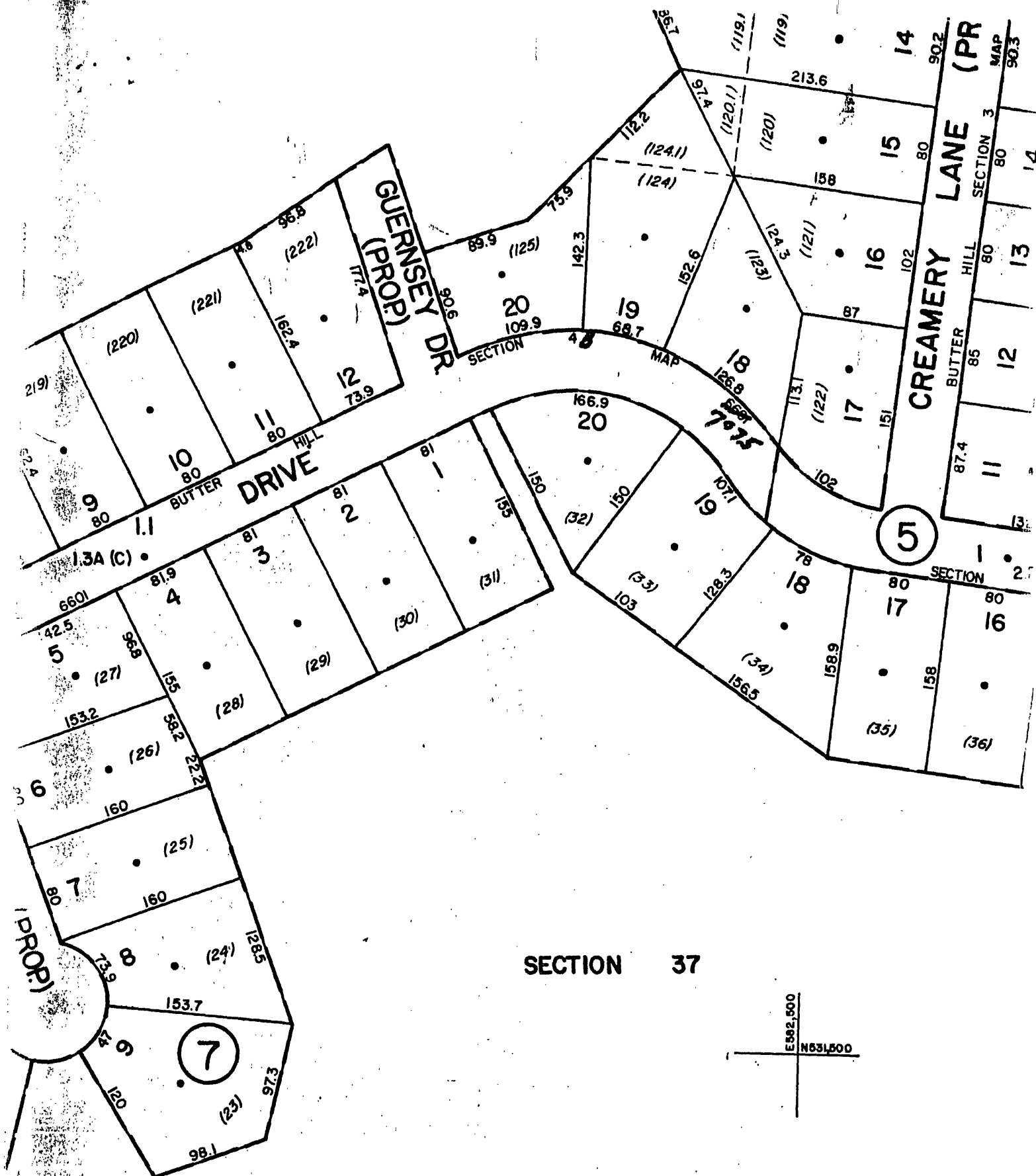
# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

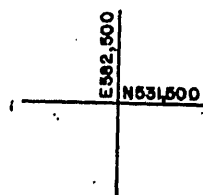
Khandelwal Bimal K  
& Anjali  
65 Creamery Dr  
New Windsor NY 12550

Krom George R Jr  
& Donald T  
11 Maple Ave  
Cornwall-on-Hudson NY 12520

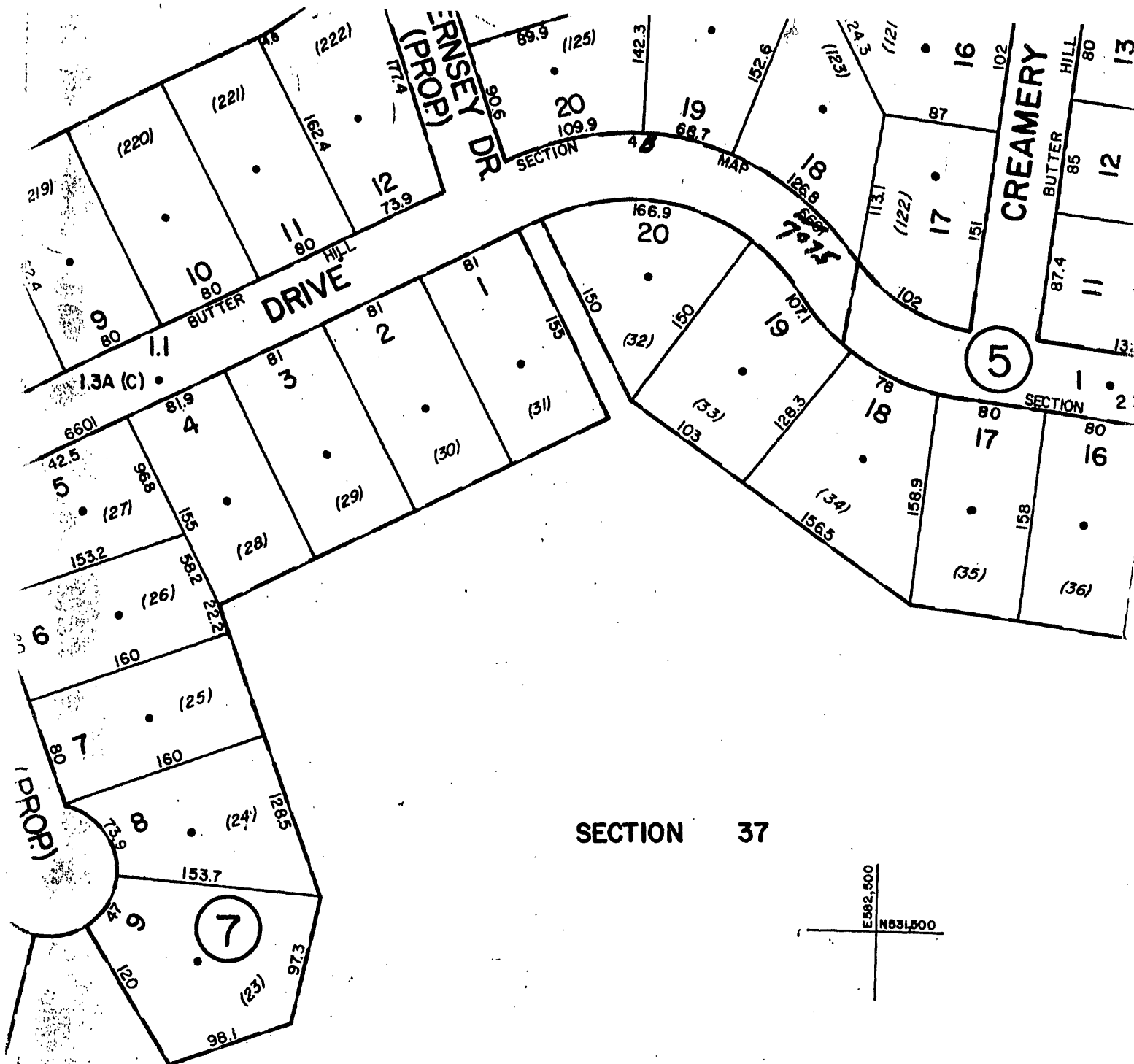
The Town of New Windsor  
555 Union Ave  
New Windsor NY 12550



**SECTION 37**







# SECTION 37

## LEGEND

PLAN LOT LINE	-----	TAX MAP BLOCK NO.	④	FILED PLAN BLOCK NO.	②① ④
ENT LINE	--- O & N UTILITIES ---	TAX MAP PARCEL NO.	32	FILED PLAN LOT NO.	(13)
LINE	--- Z ---	AREAS	(Deed) 11.1A, (Calculated) 11.6A(C)	STATE HIGHWAYS	N.Y. STATE HWY. NO. 17
MS	-----	DIMENSIONS (Deed) 66 (Scaled) 75s		COUNTY HIGHWAYS	COUNTY HWY. NO. 4
COORDINATE CENTROID	●	TOWN ROADS		TOWN RD. 1	



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

January 16, 1986

1763

MOODNA DEVELOPMENT COMPANY, INC.  
P. O. Box 4203  
New Windsor, N. Y. 12550

Attn: Mr. Leigh K. Lydecker, Jr.

RE: APPLICATION FOR AREA VARIANCE -  
#85-47

Dear Mr. Lydecker:

This is to confirm that a public hearing was held regarding the above-entitled application before the Zoning Board of Appeals. The Board voted to GRANT the above request for an area variance. This decision was made at the January 13, 1986 meeting.

Formal decision will be drafted at a later date and acted upon by the Board. You will be receiving a copy by return mail.

Very truly yours,

PATRICIA DELIO  
Secretary to Zoning Bd. of Appeals

/pd

cc: Town Building Inspector  
Planning Board

pat-

**PUBLIC NOTICE OF  
HEARING BEFORE  
ZONING BOARD  
OF APPEALS  
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:  
Appeal No. 47  
Request of Moodna Development Co., Inc. for a VARIANCE of the regulations of the Zoning Ordinance to permit rear yard set back less than requirement in bulk regulations;  
being a VARIANCE of Section 48-12 Table of Bulk Regulations Col. 8 for property situated as follows:  
52 Creamery Drive, New Windsor, NY, known and designated as Tax Lot Section 78 Blk 2 Lot 18.  
SAID HEARING will take place on the 13th day of January, 1986, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, NY, beginning at 7:30 o'clock p.m.  
DANIEL P. KONKOL  
Chairman  
By Patricia Delio  
Secretary

State of New York

County of Orange, ss:

Everett W. Smith, being duly sworn  
disposes and says that he is  
Publisher of the E.W. Smith  
Publishing Company, Inc. publisher  
of The Sentinel, a weekly newspaper  
published and of general circulation  
in the Town of New Windsor, and that  
the notice of which the annexed is  
a true copy was published once

in said newspaper, commencing on  
the 2nd day of January A.D., 1986  
and ending on the 2nd day of January  
A.D. 1986

Subscribed and shown to before me  
this 29th day of Jan., 1986.

Patricia Delio  
Notary Public of the State of New York  
County of Orange.

My commission expires 3/30/87.

PATRICIA DELIO  
NOTARY PUBLIC, State of New York  
No. 5970775  
Qualified in Orange County  
Commission Expires March 30, 1987.

TOWN OF NEW WINDSOR  
ORANGE COUNTY, N. Y.  
OFFICE OF ZONING - BUILDING INSPECTOR

Prelim. meeting  
12/9/85 (5)

#85-47

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. ....

Date 12/5, 1985

To Schoonmaker Homes (owners)  
Moodna Development - 1-3552

PLEASE TAKE NOTICE that your application dated 12/5, 1985  
for permit to build a single family Dwelling  
at the premises located at Creamery Drive lot # 123

is returned herewith and disapproved on the following grounds:

Rear yard now is 31' feet and will  
need a variance of 9' feet.

John Fennegan Zoning Inspector  
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.	<u>1</u>	<u>1</u>
Reqd. Rear Yd.	<u>31</u>	<u>9'</u>
Reqd. Street		

# NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. ....

Date 12/5, 1985

To Schoonmaker Homes (owners)  
Moodna Development - 1-3552.

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Rear yard now is 31' feet and will  
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John Penegar Zoning Inspector  
 Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yd. <u>31</u>	<u>31</u>	<u>9'</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio**		

\* Residential Districts only  
 \*\* Non-residential districts only

1/13/86 - Public Hearing - Moodna Dev / Schoonmaker Homes

Name:

Address:

Reray L. Bevens

9 Creamery La New Windsor, NY

Rich Lomaxo

11 Creamery Lane New Windsor NY

Robert Harrison

12 Creamery Lane, New Windsor NY

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 47

Request of MOODNA DEVELOPMENT CO., INC.

for a VARIANCE ~~SPECIAL PERMIT~~ of  
the regulations of the Zoning Ordinance to  
permit rear yard set back less than requirement  
in bulk regulations;

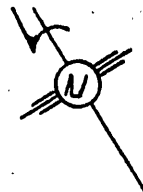
being a VARIANCE ~~SPECIAL PERMIT~~ of  
Section 48-12 - Table of Bulk Regulations - Col. 8  
for property situated as follows:

52 Creamery Drive, New Windsor, N. Y., known and  
designated as Tax Lot Section 78-Block 2- Lot 18.

SAID HEARING will take place on the 13th day of  
January, 1986, at the New Windsor Town Hall,  
555 Union Avenue, New Windsor, N. Y. beginning at  
7:30 o'clock P. M.

DANIEL P. KONKOL  
Chairman

(LOT 120)  
SECTION 3



(LOT 121)  
SECTION 3

(LOT 124)  
SECTION 4

LOT 123  
SECTION 4  
12,512 ± S.F.  
0.29 ± AC.

BUILDING SET-BACK LINE

REQUEST FOR VARIANCE

2" CANTILEVER

BUILDING SET-BACK LINE

N 32° 33' 58" E

S 16° 59' 50" E

124.30'

S 20° 14' 39" W

R = 200.00'

R = 118.40'

R = 130.00'  
Δ = 8.44'

CREAMERY

DRIVE

CONC. CURB

12' ±

12'

40'

PROPOSED  
RAISED  
RANCH

24'

44'

40' ±  
(RADIAL)

40'  
(RADIAL)

113.14'



INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD  
TOWN BUILDING/ZONING INSPECTOR BABCOCK

FROM: ZONING BOARD OF APPEALS

RE: PUBLIC HEARING BEFORE THE ZBA - January 13, 1986

DATE: December 30, 1985

Please be advised that the following public hearings will be heard before the Zoning Board of Appeals on the above date:

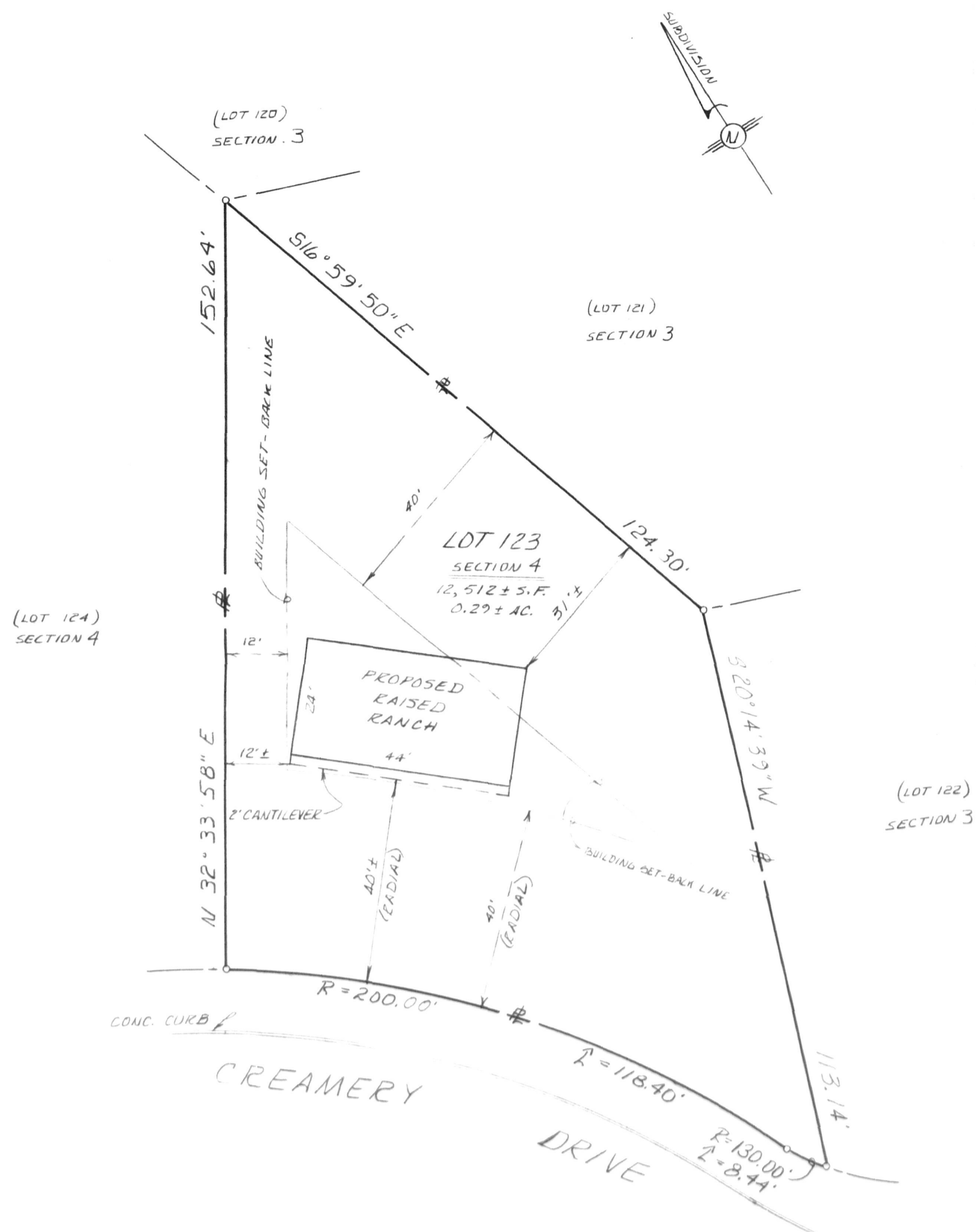
MC GUINNESS, BRENDAN - Area Variances  
MOODNA DEVELOPMENT/SCHOONMAKER HOMES - Area  
EPG REALTY/SUTHERLAND - Special Permit

I have attached hereto copies of the pertinent applications together with public hearing notices which were published in The Sentinel.

Patricia Delio, Secretary  
Zoning Board of Appeals

/pd

Attachments



#### GENERAL NOTES

1. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209 (2) of the New York State Education Law.
2. Only copies from the original of this survey, marked with an original of land surveyor's inked seal, shall be considered to be valid true copies.
3. Certification shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon and is not transferable to additional institutions or subsequent owners.

#### SPECIAL NOTES

1. Being Lot No. 123, as shown on a map entitled "Butter Hill Section 4B", said map having been filed in the Orange County Clerk's Office on 23 May 1985 as Map No. 7075.
2. Offsets shown are at right angles to the property lines, unless otherwise noted.

#### 3. PROPERTY OWNER:

Schoonmaker Homes-  
John Steinberg, Inc.  
1 Holiday Park Drive  
Newburgh, N.Y. 12550

#### 4. APPLICANT:

Moodna Development Co., Inc.  
PO Box 4203  
New Windsor, N.Y. 12550



<b>ELIAS D. GREVAS, L.S.</b> LAND SURVEYOR 33 QUASSACK AVENUE NEW WINDSOR, NEW YORK 12550		<b>PLAN FOR:</b> <b>SCHOONMAKER HOMES</b> <b>JOHN STEINBERG INC.</b> TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK	
<b>REVISIONS:</b> DATE DESCRIPTION		Drawn: <i>MSD</i> Checked: Scale: 1"=20' Date: 3 DEC 1985 Job No: 85-293	
		<b>PROPOSED</b> <b>BUILDING LOCATION PLAN</b>	